

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

JOSEPH F. HUTCHISON, et al.) Case No. 1:01-789
)
Plaintiffs,) (Judge Beckwith)
)
-v-) (Magistrate Judge Hogan)
)
FIFTH THIRD BANCORP,)
)
Defendant.) **DEFENDANT'S NOTICE OF STATUS**
) **OF APPEAL**

Pursuant to this Court's Notation Order dated January 3, 2007 (T.d. 105), Fifth Third Bancorp ("Fifth Third") notifies the Court that the within matter is no longer pending before the Sixth Circuit Court of Appeals. On January 4, 2007, the Plaintiffs/Appellants' December 14, 2006 Petition for Panel Rehearing was denied by the Sixth Circuit Court of Appeals. A copy of that Order is attached as Exhibit A.

Respectfully submitted,

s/ Christy M. Nageleisen

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **DEFENDANT'S NOTICE OF STATUS OF APPEAL** was served upon Richard G. Meyer, William J. Moran, and John R. Kirk, Deters, Benzinger & Lavelle, PSC, Thomas More Park, 207 Thomas More Parkway, Crestview Hills, KY 41017-2596 via the Court's electronic docket, this 18th day of January, 2007.

s/ Christy M. Nageleisen
Christy M. Nageleisen

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